

Serial No:10/628351
Docket No: 05-01002

REMARKS

Claims 1-8 stand rejected under 35 USC 102(b) as being anticipated by Goodman (USPN 3,827,166).

Applicant cancels Claims 1-8 in favor of presenting claims 9-26.

Claim 9 as recited above is patentable over Goodman because Goodman does not disclose the following feature as recited in Claim 9:

an upper secured along the perimeter of said outer sole, said upper is of a continuous strip of a stretchable material which conforms to the shape of a shoe to which it is attached and grips a continuous lower portion of an upper of the shoe so as to retain said walking sole against the shoe in a non-slip arrangement.

The shoe cover 10 of the Goodman reference comprises a single elastic strap 20 which is secured at its free ends to the pad 10 of the shoe cover. The strap 20 only engages a small portion of the surface area of the heel and a small section and surface area of the sides of an upper of a shoe to which the shoe cover 10 it is attached. This attachment method does not provide for a non-slip attachment of the shoe cover 10 to a shoe to which it is attached.

Additionally, the attachment method of the shoe cover 10 of Goodman results in a user of the shoe cover having a feeling of clumsiness due to the toe of the shoe pulling upward and forward off the shoe cover 10 as the person walks. Furthermore, the strap 20 is attached to the shoe cover 10 at only three discrete locations and with prolong use of the shoe cover it is inevitable that one of the three attachment points will fail due to high fatigue, resulting in the shoe cover being no longer usable.

The removable walking sole of the instant invention over comes all of these draw backs present in the Goodman reference.

Serial No:10/628351
Docket No: 05-01002

Claims 10-16 as recited above add additional features to Claim 9 as recited above and thus are submitted to be a-fortiori, patentable.

Claim 17 as recited above is patentable over Goodman because it recites the following features:

an outer sole of a shape that generally corresponds to the sole of the athletic shoe, said outer sole comprising an upper first layer of a flexible material which absorbs shock and which is sufficiently resilient to absorb the indentations caused by the cleats when the walking sole is attached to the athletic shoe and which returns to its original form and shape when removed from the athletic shoe, said outer sole further comprising a bottom second layer bonded to said upper first layer, said bottom second layer is of flexible material suitable for a sole of a walking shoe, said bottom second layer including a tread for gripping a surface for walking, and

an upper secured along the perimeter of said outer sole, said upper is of a continuous strip of a stretchable material which conforms to the shape of the athletic shoe and grips a continuous lower portion of the upper of the athletic shoe so as to retain said walking sole against the athletic shoe in a non-slip arrangement.

Applicant further applies the argument as made above with regard to the deficiencies of the strap 20 of the Goodman reference.

Claims 18-22 as recited above add additional features to Claim 18 as recited above and thus are submitted to be a-fortiori, patentable.

Claim 23 as recited above is patentable over Goodman because it recites the following features:

an outer sole of a shape that generally corresponds to and completely covers the sole of the athletic shoe, said outer sole comprising an upper first layer of a flexible material which absorbs shock and which is sufficiently resilient to absorb the indentations caused by the cleats when the walking sole is attached to the athletic shoe and which returns to its original form and shape when removed from the athletic shoe, said outer sole further comprising a bottom second layer bonded to said upper first layer, said bottom second layer is of flexible material

Serial No:10/628351
Docket No: 05-01002

suitable for a sole of a walking shoe, said bottom second layer including a tread for gripping a surface for walking, said outer sole is formed as one piece during manufacturing; and

an upper secured along the perimeter of said outer sole, said upper is of a continuous strip of a stretchable material which conforms to the shape of the athletic shoe and grips a continuous lower portion of the upper of the athletic shoe along the toe, heel and sides so as to retain said walking sole against the athletic shoe in a non-slip arrangement.

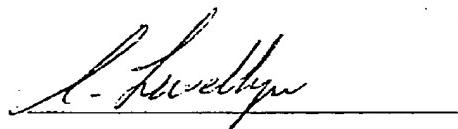
Applicant further applies the argument as made above with regard to the deficiencies of the strap 20 of the Goodman reference.

Claims 24-26 as recited above add additional features to Claim 23 as recited above and thus are submitted to be a-fortiori, patentable.

In view of the above, it is respectfully submitted that:

Claims 9-26 recite distinctions that are of patentable merit under 35 USC 102(b) for the independent claims and thus for each dependent claim as well. Claims 9-26 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested. Allowance of claims 9-26 at an early date is solicited.

Respectfully submitted:



Date: 1-24-05

Stephen Lewellyn

Agent (Reg. No. 51,942)
933 Oleander Way South, Suite 3
South Pasadena, FL 33707
(727) 345-14150